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18 UNITED STATES DISTRICT COURT
19 FOR THE DISTRICT COURT OF NEVADA

20 DENNIS MONTGOMERY, an individual;
21 and MONTGOMERY FAMILY TRUST, a
22 California Trust,

23 Plaintiffs,

24 vs.

25 ETREPPID TECHNOLOGIES, LLC, a
26 Nevada Limited Liability Company;
27 WARREN TREPP, an individual; and the
28 UNITED STATES DEPARTMENT OF
DEFENSE;

Defendants.

AND RELATED MATTERS.

) Case No. 3:06-CV-00056-PMP-VPC
) BASE FILE

) Case No. 3:06-CV-00145-PMP-VPC

) **[PROPOSED] STIPULATION AND**
) **DISMISSAL WITH PREJUDICE OF**
) **CLAIMS AGAINST ATIGEO AND**
) **MICHAEL SANDOVAL**

1 WHEREAS, on January 11, 2008, Defendant eTreppid Technologies, LLC filed a
2 counterclaim against Michael Sandoval and Atigeo LLC (the "Sandoval Parties") in the above-
3 captioned matter (the "Counterclaim");

4 WHEREAS, Defendants eTreppid Technologies, LLC and Warren Trepp have assigned
5 the Counterclaim and the claims asserted therein, to Plaintiffs Dennis Montgomery and the
6 Montgomery Family Trust (collectively, the "Montgomery Parties"), and to third party
7 defendants Edra Blixseth and Opspring LLC (collectively, the "Blixseth Parties");

8
9 WHEREAS, the Montgomery Parties and the Blixseth Parties desire to dismiss with
10 prejudice the Counterclaim, and all claims asserted therein,

11 NOW, THEREFORE, the parties, through their respective counsel of record, hereby
12 agree and stipulate as follows:

13 1. The Montgomery Parties and the Blixseth Parties shall dismiss with prejudice the
14 Counterclaim (the "Dismissal"), and all claims asserted therein.

15
16 2. The Dismissal includes and is limited to the Counterclaim actually asserted by
17 eTreppid and all claims assigned to the Blixseth Parties and the Montgomery Parties by eTreppid
18 and/or Warren Trepp (the "Dismissed Claims"). The Dismissal shall not be construed to dismiss,
19 forfeit, limit, waive or compromise any claims, offset or defense, other than the Dismissed
20 Claims, that the Blixseth Parties or the Montgomery Parties may have, whether known or
21 unknown, against the Sandoval Parties including, without limitation, any defense or offset to a
22 claim for indemnification for attorney's fees and costs incurred in connection with the
23 Counterclaim. The Blixseth Parties and Montgomery Parties preserve all rights to assert any
24 other claims, other than the Dismissed Claims, that they may have asserted in this litigation but
25 for this stipulation of dismissal.
26

1 3. The Sandoval Parties shall not use this Stipulation or the Dismissal to preclude
2 the Montgomery Parties or the Blixseth Parties from pursuing claims, other than the Dismissed
3 Claims, against the Sandoval Parties or raising any defense to any claim asserted against them by
4 the Sandoval Parties.

5
6 4. The Blixseth Parties and the Montgomery Parties shall not use this Stipulation or
7 the Dismissal to preclude the Sandoval Parties from pursuing any claims, if any, against the
8 Blixseth Parties and the Montgomery Parties or raising any defense to any claim asserted against
9 them by the Blixseth Parties and the Montgomery Parties. The Sandoval Parties preserve all
10 rights to assert claims, offsets or defenses, whether known or unknown, that they may have
11 asserted in this litigation but for this stipulation of dismissal.

12
13 DATED this 1st day of October, 2008.

ROHDE & VAN KAMPEN PLLC

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CERTIFICATE OF SERVICE

I, Gregory G. Schwartz, declare:

I am employed in Seattle, Washington, by the law offices of Rohde & Van Kampen, 1001 Fourth Avenue, Suite 4050, Seattle, Washington. I am over the age of 18 years and not a party to this action.

I hereby certify that on October 1, 2008, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send a notification of such filing to the following:

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7
8 I declare under penalty of perjury under the laws of the State of Washington that the
foregoing is true and correct, and that this declaration was executed on October 1, 2008.

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10 s/ Gregory Schwartz
Gregory Schwartz
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